

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

ADRIAN GIL, II.

Defendant.

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NO. EP-22-CR-0773-DB

SECOND MOTION TO EXTEND TIME FOR FILING

The government respectfully moves the Court to extend for four days the due date for the filing of the government's brief for the reasons stated herein.

This request for extension of time is not made for the purpose of unnecessary delay or prejudice, but solely so that an appropriate brief may be filed in this case. Government hereby requests an extension of time in which to comply with the Court's Scheduling Order. The government respectfully requests an extension for filing its brief until Monday, July 22, 2024.

Even though the *Daniels* judgement was vacated, the government wants to provide the Court its position on 18 USC § 922(g)(3) as-applied in Mr. Gil's case. The Supreme Court, in several firearms cases has asked circuit courts to consider both the facial challenge and as-applied position in lieu of their decision in *United States v. Rahimi*, 602 U.S. ___, (2024). Government counsel has been working to prepare a brief addressing its as-applied position based on the *Rahimi* decision.

Government counsel has had to perform his responsibilities in several other cases, including court appearances, shortening his available time to appropriately review and analyze the *Rahimi* decision, research issues, and write his brief.

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SECOND ORDER

On this day came on to be considered the Government's Second Motion to Extend Time for Filing. The Court having considered same, is of the opinion that said Motion should be granted. IT IS THEREFORE ORDERED that the filing of the Government's brief in the above cause is extended and is now due on or before July 22, 2024.

SIGNED AND ENTERED this _____ day of _____, 2024.

DAVID BRIONES
UNITED STATES DISTRICT JUDGE